

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of September 4, 2014

The regular meeting of the Second Injury Board convened at 2:08 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Larry White, I. T. Consultant
3. Ms. Lynette Mack, representing State Treasury
4. Ms. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Karl Scott, General Counsel
7. Meridith Trahan, General Counsel
8. George Nalley, Attorney representing Cargill, Inc.
9. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. White moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Ms. Macky and passed unanimously.

The Chairman moved to *Item 2* on the agenda, no hearing schedule for this month. Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (6) claims; beginning with Claim #12-0294 and ending with Claim #13-1059. The motion was made by Ms. Mack and seconded by Mr. White and passed unanimously.

1.	12-0294	National Union Fire Insurance – Pittsburg, PA	104 week deductible
2.	13-0394	Louisiana Workers' Compensation Corporation	104 week deductible
3.	13-0868	St. Landry Parish School Board	104 week deductible
4.	13-0894	Bridgefield Casualty Insurance Company	104 week deductible
5.	13-0939	Bridgefield Casualty Insurance Company	104 week deductible
6.	13-1059	Louisiana Home Builders Association SIF	104 week deductible

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (65) claims; beginning with Claim #12-1009 and ending with Claim #14-0400.

1.	12-1009	LUBA Casualty Insurance Company
2.	13-0038	Louisiana Workers' Compensation Corp.
3.	13-0180	LUBA Casualty Insurance Company
4.	13-0198	Bituminous Casualty Corp.
5.	13-0219	Louisiana Health Care SIF
6.	13-0224	Berkshire Hathaway Homestate Insurance Co
7.	13-0273	Catahoula Parish School Board

8. 13-0474 Travelers Property Casualty Company of America
9. 13-0632 Louisiana Municipal Risk Management Agency
10. 13-0659 Louisiana Hospital Associated
11. 13-0668 Diocese of Baton Rouge
12. 13-0783 City of Kenner
13. 13-0901 LUBA Casualty Insurance Company
14. 13-0929 Louisiana Workers' Compensation Corp.
15. 13-0932 Louisiana Commerce & Trade Association
16. 13-0965 City of Baton Rouge, EBRP
17. 13-0981 Louisiana Home Builders Associates SIF
18. 13-0982 LUBA Casualty Insurance Company
19. 13-0985 Insurance Company of the State of PA
20. 13-1016 PA Manufactures Association
21. 13-1036 LUBA Casualty Insurance Company
22. 13-1040 LUBA Casualty Insurance Company
23. 13-1078 Ace American Insurance Company
24. 13-1080 American Interstate Insurance Co
25. 14-0008 Great American Insurance Company
26. 14-0010 Louisiana Office of Risk Management
27. 14-0011 U.S.F&G Insurance Company
28. 14-0012 Jackson Parish School Board
29. 14-0013 Cameron Parish Policy Jury
30. 14-0016 Ace American Insurance Company
31. 14-0019 New Hampshire Insurance Company
32. 14-0020 New Hampshire Insurance Company
33. 14-0021 Louisiana Workers' Compensation Corporation
34. 14-0022 Louisiana Workers' Compensation Corporation
35. 14-0028 None Documented
36. 14-0032 Bridgefield Casualty Insurance Company
37. 14-0034 Louisiana Retailers Mutual Insurance Company
38. 14-0035 Bridgefield Casualty Insurance Company
39. 14-0036 Bridgefield Casualty Insurance Company
40. 14-0040 Bridgefield Casualty Insurance Company
41. 14-0042 Travelers Casualty Insurance Company of America
42. 14-0044 LUBA Casualty Insurance Company
43. 14-0048 Louisiana Auto Dealers Association
44. 14-0049 None Documented
45. 14-0050 Bridgefield Casualty Insurance Company
46. 14-0057 Louisiana Office of Risk Management
47. 14-0059 St. Tammany Parish School Board
48. 14-0064 Louisiana Office of Risk Management
49. 14-0069 None Documented
50. 14-0072 None Documented
51. 14-0077 Christus-St. Patrick Hospital
52. 14-0079 None Documented
53. 14-0083 Louisiana Office of Risk Management
54. 14-0085 Louisiana Office of Risk Management
55. 14-0087 Woman's Hospital
56. 14-0095 LEMIC Insurance Company

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| 57. | 14-0098 | Louisiana Safety Association of Timbermen  |
| 58. | 14-0099 | Louisiana Municipal Risk Management Agency |
| 59. | 14-0115 | Calcasieu Parish School Board              |
| 60. | 14-0156 | Louisiana Office of Risk Management        |
| 61. | 14-0159 | New Hampshire Insurance Company            |
| 62. | 14-0237 | LUBA Casualty Insurance Company            |
| 63. | 14-0294 | Liberty Insurance Corporation              |
| 64. | 14-0385 | None Documented                            |
| 65. | 14-0400 | Louisiana Auto Dealer Association          |

Mr. White moved to accept the recommendation of staff to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (162) partial payments beginning with Claim #85-0593 and ending with Claim #12-0783. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of September 4, 2014. The motion was made by Ms. Mack, seconded by Mr. White and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (93) quarterly payments due beginning with Claim #94-0334 and ending with Claim #13-0946. Mr. White moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of September 4, 2014. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Mr. George Nalley an attorney on the behalf of Cargill on the John Calais matters that will be held during the Executive Session, he's present in case there were any additional questions regarding this matter. The Chairman moved to *Item 8* on the agenda. Mr. White made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Ms. Mack seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. Recommendation was requested to expand the agenda and make amendments. Expand the agenda to add Claim# 13-0390 and Claim#11-0373 to *Item 8a*. Motion to expand the agenda was by Mr. White and second by Ms. Mack and passed unanimously. The Chairman request to remove Claim# 05-0213 from the list of (18) items of section *8a*. Ms. Mack made a motion to remove the claim from the agenda and Mr. White seconded the motion and it was passed unanimously. Item 11 Claim# 09-0370 has been postponed, also amend *Item# 1* Claim# 77-0340 to Claim # 77-0304. Mr. White made a motion to amend *Item# 1*, Ms. Mack seconded

Minutes (cont'd)

Page 4

April 3, 2014

the motion and it was passed unanimously. It's been recommended by staff that (13) items be paid on a quarterly bases, (see attached). The Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 77-0304 – Indemnity Only
2. 98-0333
3. 05-0177
4. 08-0121 – Indemnity Only
5. 10-0147
6. 10-1011 – Indemnity Only
7. 11-0373
8. 11-0820
9. 12-0412
10. 12-0428
11. 12-0771
12. 13-0390
13. 13-1019

Mr. White moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

There's (5) times were recommended to be denied for settlement and be paid on an on-going basis:

1. 94-0137
2. 01-1240
3. 03-1045
4. 04-0149
5. 06-0788

Mr. White moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #12-0862 settlement authority
2. Claim #12-1004 settlement authority
3. Claim #09-0556 settlement authority
4. Claim #13-0772 settlement authority

Minutes (cont'd)

Page 5

April 3, 2014

5. Claim #13-1011 continue ligation
6. Claim #12-1041 settlement authority
7. Claim #13-0048 continue ligation
8. Claim #12-0801 settlement authority
9. Claim# 11-0555 settlement authority
10. Claim# 10-0467 settlement authority approval up to \$80,000.00 with Second Injury reimbursing the insured.

Mr. White moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

Mrs. Williams discuss the success of the reimbursement claims (see attached).

There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. White made the motion which was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 2:37 p.m.

Recording Secretary: Shaneka Davis